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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,275	01/28/2004	Michael Bantlin	600.1297	3458
23280	7590	01/11/2005	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018				MORRISON, THOMAS A
ART UNIT		PAPER NUMBER		
3653				

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/766,275	BANTLIN ET AL.
	Examiner	Art Unit
	Thomas A. Morrison	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/28/2004.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding independent claim 1 and its dependent claims 2-10, MPEP, section 2173.05(p) states, "A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph." Id. Independent claim 1 recites "A method for synchronizing the motion sequences of at least one main pile and at least one auxiliary pile in a feeder or delivery device of a printing material processing machine", and then recites the structure of the device including a drive, a main pile controller, an additional drive and an auxiliary pile controller. After this, independent claim 1 refers back to limitations regarding the method of operation of the auxiliary pile controller and the main pile controller. Since claim 1 and its dependent claims 2-10 claim both an apparatus and the method steps of using the apparatus, these claims are indefinite.

Regarding the dependent claims 2-10, these claims are generally narrative and indefinite, failing to conform with current U.S. practice. In particular, these claims do not set forth any particular method steps. It is unclear as to what method steps are claimed.

Regarding claim 3, it is also unclear as to whether at least one of the last-reached position of the auxiliary pile and the last-reached position of the main pile is

stored in the main pile controller, the auxiliary pile controller or the higher-level machine controller, or stored in a plurality of these controllers.

Regarding claim 4, it is unclear whether the stored position, future travel paths are for the auxiliary pile, the main pile, or both of these piles.

Regarding claim 5, it is unclear whether the travel path of the main controller, the travel path of the auxiliary pile, or the travel paths of both of these piles is transmitted as a setpoint value. Also, it is unclear in claim 5 as to whether such path(s) is transmitted to the main pile controller, transmitted to the auxiliary pile controller, or transmitted to both of these controllers.

Regarding claim 7, it is unclear as to how the communication device compensates for delays during signal transmission.

Regarding claim 8, it is unclear whether the auxiliary pile controller, the main pile controller, or the higher-level machine controller, or a plurality of these controllers measure disturbances. Also, it is unclear how one or more of the controllers can measure disturbances. Rather, it appears that a sensor of some sort is needed to measure disturbances.

Regarding the dependent claims 9-10, no structure for the device is recited in claim 9. Rather, there is structure recited for a device in independent claim 1. As such, it is unclear as to what, if any, structure is claimed in the dependent claims 9 and 10.

Regarding the dependent claim 11, it is unclear whether the start signal is received from the main pile controller or received from the higher-level machine controller.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In particular, independent claim 1 and its dependent claims are directed to neither a “process” nor a “machine,” but rather embrace or overlap two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. See, MPEP, section 2173.05(p). In particular, independent claim 1 recites both a process and a machine.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Leichnitz et al. In particular, Leichnitz meets all of the limitations set forth in claims 1-11.

Regarding independent claim 1 of the instant application, Leichnitz et al. discloses a method for synchronizing the motion sequences of at least one main pile (4) and at least one auxiliary pile (8) in a feeder or delivery device (2) of a printing material

processing machine (1), the device having a drive for moving the main pile (7) and a main pile controller (12) associated with the drive (7), and having an additional drive (11) for moving the auxiliary pile (8) and an auxiliary pile controller (13) associated with the additional drive (11), the method comprising:

receiving a start signal at the auxiliary pile controller (13) to move the auxiliary pile (8), the start signal being received from the main pile controller or from a further, higher-level machine controller (14), the start signal simultaneously initiating a movement of the main pile (4). See claim 1 and column 5, lines 10-16 of Leichnitz et al.

Regarding the dependent claim 2, the main pile (4) and the auxiliary pile (8) travel a same distance within a same time using the main pile controller (12) and the auxiliary pile controller (13). See claim 1 and column 5, lines 10-16 of Leichnitz et al.

Regarding the dependent claim 3, at least one of a last-reached position of the auxiliary pile and a last reached position of the main pile (4) is stored in the main pile controller and/or in the auxiliary pile controller and/or in the further, higher-level machine controller (14). In particular, it appears from Fig. 4 that at least the last-reached position of the main pile (4) can be stored in the higher-lever machine controller (14) when it is received as a signal from the pile height scanner (15).

Regarding the dependent claim 4, at least one of a last-reached position of the auxiliary pile and a last-reached position of the main pile (4) defines a stored position, future travel paths for the auxiliary (8) and/or main (4) pile being a function of the stored position. See, e.g., column 2, lines 62-67 and column 5, lines 18-41.

Regarding the dependent claim 5, a travel path of the main pile (4) and/or a travel path of the auxiliary pile is transmitted as a setpoint value to the main pile controller (12) and/or the auxiliary pile controller (13). See, e.g., column 4, lines 52-61 and Fig. 4.

Regarding the dependent claim 6, the start signal is transmitted via a communication device (14) between the auxiliary pile controller (13) and the main pile controller (12). See Fig. 1 and column 5, lines 10-16.

Regarding the dependent claim 7, column 5, lines 21-31 disclose compensating for delays occurring during signal transmission via the communication device (14).

Regarding the dependent claim 8, the auxiliary pile controller and/or the main pile controller and/or the higher-level machine controller measure disturbances and to take the disturbances into account in the control of the drive (7) and additional drive (11). See, e.g., column 2, lines 62-67.

Regarding the dependent claim 9, as best understood, Leichnitz et al. discloses a device (including 1, 2, 7, 11, 12, 13 and 14) for carrying out the method according to claim 1.

Regarding the dependent claim 10, the device (including 1, 2, 7, 11, 12, 13 and 14) is a printing press. See Abstract.

Regarding independent claim 11, Fig. 1 shows a feeder (2) or delivery device of a printing material processing machine (1) having synchronized motion sequences of at least one main pile (4) and at least one auxiliary pile (8) comprising:

a drive (7) for moving the main pile (4);

a main pile controller (12) associated with the drive (7);
an additional drive (11) for moving the auxiliary pile (8); and
an auxiliary pile controller (13) associated with the additional drive (11), the auxiliary pile controller (13) receiving a start signal to move the auxiliary pile (8), the start signal being received from the main pile controller or from a further, higher-level machine controller (14), the start signal simultaneously initiating a movement of the main pile (4). See also claim 1 and column 5, lines 10-16.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is 703-305-0554. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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